

From: Darrell Rudmann
To: Microsoft ATR
Date: 1/23/02 9:15pm
Subject: Microsoft Settlement

Dear Judge Colleen Kollar-Kotelly,

Thank you for the opportunity to write to you about the proposed Microsoft settlement; I see this as a good opportunity for ordinary folks, like myself, to have some input about a federal process such as this one. The events of the past year remind me that the uniqueness of this offer is very American in nature.

In much the same manner, this ongoing court battle between Microsoft and others seems to cast light on what it is to be a business in America. What values do we Americans place, via our laws, on how businesses can behave, and when they have been shown to not behave properly, what measures do we take to make corrective action?

I am not an expert on law or on the computer industry. I rely on my desktop computer to carry out jobs related to my professional life as graduate student becoming a social science researcher, such as making statistical analyses, writing papers, and some light programming for running experiments. I can only speak to the proposed settlement by stating some observations I have seen in my personal experience with computers:

First, all of my fellow students and my professors use Microsoft Word by default. This overwhelmingly implies that they are using Microsoft Windows as well. When I exchange documents with other people, they assume it will be in a Word format. Second, the university I study at, the community college I part-time teach for, and most social science journals accept and prefer to accept Microsoft Word files for online paper submission.

This wasn't once the case. Only about six years ago, whenever people arrange to exchange a file, there was some discussion about what format would work and what wouldn't. But not now. While this sounds like an improvement, like a kind of standardization that would help people work more easily, there have been two clear downsides. The Word format is proprietary; that is, only employees of Microsoft knows what makes up the format for a Word document. So as a standard proprietary format, Microsoft now has a level of control over both the document format and the applications that can be used to access it reliably, at least in the social sciences and likely most of academia. This seems to be the pattern in many computing corners.

Committing what has been found to be illegal activity, Microsoft's behavior is a serious violation of American values and business ethics. This violation was so large in scale and pervasive, that the legal response cannot be simple or it will be ineffective as a result.

I believe the settlement offer to be too weak. I don't have the expertise to say what would constitute more appropriate restitution, but I suspect that a settlement that would encourage a freedom of choice for consumers would go a long way.

Best regards with your ruling,

Darrell Rudmann

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